

Calendar No. 405

108TH CONGRESS
1ST SESSION

S. 1567

To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1 (legislative day, JULY 21), 2003

Mr. FITZGERALD (for himself, Mr. AKAKA, Mr. NICKLES, Mr. LEVIN, Mr. LIEBERMAN, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

NOVEMBER 20, 2003

Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Department of Home-
3 land Security Financial Accountability Act”.

4 **SEC. 2. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT**
5 **OF HOMELAND SECURITY.**

6 (a) IN GENERAL.—Section 901(b)(1) of title 31,
7 United States Code, is amended—

8 (1) by redesignating subparagraphs (G)
9 through (P) as subparagraphs (H) through (Q), re-
10 spectively; and

11 (2) by inserting after subparagraph (F) the fol-
12 lowing:

13 “(G) The Department of Homeland Secu-
14 rity.”.

15 (b) APPOINTMENT OR DESIGNATION OF CFO.—The
16 President shall appoint or designate a Chief Financial Of-
17 ficer of the Department of Homeland Security under the
18 amendment made by subsection (a) by not later than 180
19 days after the date of the enactment of this Act.

20 (c) CONTINUED SERVICE OF CURRENT OFFICIAL.—
21 The individual serving as Chief Financial Officer of the
22 Department of Homeland Security immediately before the
23 enactment of this Act may continue to serve in that posi-
24 tion until the date of the confirmation or designation, as
25 applicable (under section 901(a)(1)(B) of title 31, United

1 States Code); of a successor under the amendment made
 2 by subsection (a).

3 ~~(d) CONFORMING AMENDMENTS.—~~

4 ~~(1) HOMELAND SECURITY ACT OF 2002.—The~~
 5 ~~Homeland Security Act of 2002 (Public Law 107–~~
 6 ~~296) is amended—~~

7 ~~(A) in section 103 (6 U.S.C. 113)—~~

8 ~~(i) in subsection (d) by striking para-~~
 9 ~~graph (4); and redesignating paragraph~~
 10 ~~(5) as paragraph (4);~~

11 ~~(ii) by redesignating subsection (e) as~~
 12 ~~subsection (f); and~~

13 ~~(iii) by inserting after subsection (d)~~
 14 ~~the following:~~

15 ~~“(e) CHIEF FINANCIAL OFFICER.—There shall be in~~
 16 ~~the Department a Chief Financial Officer, as provided in~~
 17 ~~chapter 9 of title 31, United States Code.”; and~~

18 ~~(B) in section 702 (6 U.S.C. 342) by strik-~~
 19 ~~ing “shall report” and all that follows through~~
 20 ~~the period and inserting “shall perform func-~~
 21 ~~tions as specified in chapter 9 of title 31,~~
 22 ~~United States Code.”.~~

23 ~~(2) FEMA.—Section 901(b)(2) of title 31,~~
 24 ~~United States Code, is amended by striking subpara-~~
 25 ~~graph (B); and by redesignating subparagraphs (D)~~

1 through (H) as subparagraphs (C) through (G), re-
 2 spectively.

3 **SEC. 3. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE**
 4 **DEPARTMENT OF HOMELAND SECURITY.**

5 Section 3516 of title 31, United States Code, is
 6 amended by adding at the end the following:

7 “(f) The Secretary of Homeland Security—

8 “(1) shall submit for fiscal year 2004, and for
 9 each subsequent fiscal year, a performance and ac-
 10 countability report under subsection (a) that incor-
 11 porates the program performance report under sec-
 12 tion 1116 of this title for the Department of Home-
 13 land Security; and

14 “(2) shall include in each performance and ac-
 15 countability report an audit opinion of the Depart-
 16 ment’s internal controls over its financial report-
 17 ing.”.

18 **SECTION 1. SHORT TITLE.**

19 *This Act may be cited as the “Department of Home-*
 20 *land Security Financial Accountability Act”.*

21 **SEC. 2. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT**
 22 **OF HOMELAND SECURITY.**

23 (a) *IN GENERAL.*—Section 901(b)(1) of title 31,
 24 *United States Code, is amended—*

1 (1) by redesignating subparagraphs (G) through
2 (P) as subparagraphs (H) through (Q), respectively;
3 and

4 (2) by inserting after subparagraph (F) the fol-
5 lowing:

6 “(G) *The Department of Homeland Security.*”.

7 (b) *APPOINTMENT OR DESIGNATION OF CFO.—The*
8 *President shall appoint or designate a Chief Financial Offi-*
9 *cer of the Department of Homeland Security under the*
10 *amendment made by subsection (a) by not later than 180*
11 *days after the date of the enactment of this Act.*

12 (c) *CONTINUED SERVICE OF CURRENT OFFICIAL.—*
13 *The individual serving as Chief Financial Officer of the De-*
14 *partment of Homeland Security immediately before the en-*
15 *actment of this Act may continue to serve in that position*
16 *until the date of the confirmation or designation, as appli-*
17 *cable (under section 901(a)(1)(B) of title 31, United States*
18 *Code), of a successor under the amendment made by sub-*
19 *section (a).*

20 (d) *CONFORMING AMENDMENTS.—*

21 (1) *HOMELAND SECURITY ACT OF 2002.—The*
22 *Homeland Security Act of 2002 (Public Law 107–*
23 *296) is amended—*

24 (A) *in section 103 (6 U.S.C. 113)—*

1 (i) in subsection (d) by striking para-
 2 graph (4), and redesignating paragraph (5)
 3 as paragraph (4);

4 (ii) by redesignating subsection (e) as
 5 subsection (f); and

6 (iii) by inserting after subsection (d)
 7 the following:

8 “(e) *CHIEF FINANCIAL OFFICER.*—*There shall be in*
 9 *the Department a Chief Financial Officer, as provided in*
 10 *chapter 9 of title 31, United States Code.*”; and

11 (B) in section 702 (6 U.S.C. 342) by strik-
 12 ing “shall report” and all that follows through
 13 the period and inserting “shall perform functions
 14 as specified in chapter 9 of title 31, United
 15 States Code.”.

16 (2) *FEMA.*—Section 901(b)(2) of title 31,
 17 United States Code, is amended by striking subpara-
 18 graph (B), and by redesignating subparagraphs (C)
 19 through (H) as subparagraphs (B) through (G), re-
 20 spectively.

21 **SEC. 3. FUNCTIONS OF CHIEF FINANCIAL OFFICER OF THE**
 22 **DEPARTMENT OF HOMELAND SECURITY.**

23 (a) *PERFORMANCE AND ACCOUNTABILITY REPORTS.*—
 24 Section 3516 of title 31, United States Code, is amended
 25 by adding at the end the following:

1 “(f) *The Secretary of Homeland Security—*

2 “(1) *shall for each fiscal year submit a perform-*
 3 *ance and accountability report under subsection (a)*
 4 *that incorporates the program performance report*
 5 *under section 1116 of this title for the Department of*
 6 *Homeland Security; and*

7 “(2) *shall include in each performance and ac-*
 8 *countability report an audit opinion of the Depart-*
 9 *ment’s internal controls over its financial reporting.”.*

10 (b) *IMPLEMENTATION OF AUDIT OPINION REQUIRE-*
 11 *MENT.—The Secretary of Homeland Security shall include*
 12 *audit opinions in performance and accountability reports*
 13 *under section 3516(f) of title 31, United States Code, as*
 14 *amended by subsection (a), only for fiscal years after fiscal*
 15 *year 2004.*

16 (c) *ASSERTION OF INTERNAL CONTROLS.—The Sec-*
 17 *retary of Homeland Security shall include in the perform-*
 18 *ance and accountability report for fiscal year 2004 sub-*
 19 *mitted by the Secretary under section 3516(f) of title 31,*
 20 *United States Code, an assertion of the internal controls*
 21 *that apply to financial reporting by the Department of*
 22 *Homeland Security.*

1 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

2 *There are authorized to be appropriated to the Sec-*
3 *retary of Homeland Security such sums as are necessary*
4 *to carry out this Act.*

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